

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RACHEL YOUNGER, Individually and as
Administrator of the Estate of NATHANIEL
YOUNGER,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE COMPANY,
ZURICH LIFE INSURANCE COMPANY and UBS
FINANCIAL SERVICES, INC.,

Defendants.

Civil Action No.: 11-civ-1173 (TPG)

**AFFIDAVIT OF YVONNE LANG KETTERER IN SUPPORT OF ZURICH LIFE
INSURANCE COMPANY, LTD.'S MOTION TO DISMISS THE COMPLAINT**

YVONNE LANG KETTERER, born September 9, 1965, Swiss citizen of Oftringen/AG, according to her information has identified herself by her identity card, has appeared this day at the official office before the undersigned notarial officer of the Notariat Enge-Zürich and declares the following, in lieu of oath, and asks for the public authentication of the same:

1. I am over the age of 18, fully competent to testify to the matters contained herein, and have personal knowledge of the matters contained herein with respect to my own acts and upon information and belief with respect to all other matters. My business address is Thurgauerstrasse 80, 8050 Zurich, Switzerland.

2. I am the Chief Executive Officer of Zurich Life Insurance Company, LTD. ("ZLIC"). I have been the CEO of ZLIC since June 16, 2008. I base this Affidavit

on my personal knowledge and my review of certain corporate documents relating to ZLIC's business. If called as a witness, I could and would testify competently thereto.

3. ZLIC is an insurance company and is organized under the laws of Switzerland, with its principal place of business in Zurich. Its registered office is located at Ausstrasse 46, 8045 Zurich, Switzerland.

4. ZLIC is not licensed as an insurer in the State of New York and is not authorized to sell insurance in New York.

5. ZLIC is not assessed and does not pay taxes in New York.

6. ZLIC does not own or lease property in New York.

7. ZLIC does not maintain an office or establishment, telephone number, bank account or post office box in New York.

8. Based upon my inquiry, ZLIC does not have any business relationship with the Plaintiff Rachel Younger or Nathaniel Younger or UBS Financial Services Inc. ("UBS"). Based upon my inquiry, no employee of ZLIC has ever met with, communicated, or interacted with Plaintiff, Nathaniel Younger and or UBS in any way relating to any of the facts alleged in the Complaint.

9. Based upon my inquiry, ZLIC is not a party to the insurance policies referenced in the Complaint.

10. In connection with this matter, Plaintiff has not served ZLIC with process at its principal places of business in Switzerland.

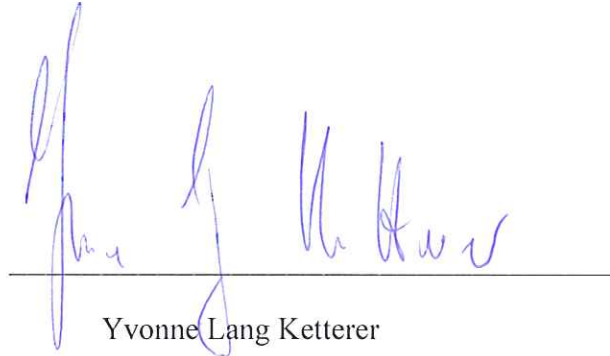
11. Based upon my inquiry, ZLIC was not served with the summons and complaint, or with the summons with notice, relating to this lawsuit, via the competent authority of the Canton of Zurich.

12. Rather, on or around March 1, 2011, Plaintiff appears to have improperly attempted to serve ZLIC with process by delivering a copy of a summons with notice in this matter to the New York address of Zurich American Insurance Company (“ZAIC”), one of ZLIC’s indirect domestic affiliates. See Affirmation of Service [Dkt. # 10].

- 13. ZLIC and ZAIC share no common employees.
- 14. ZLIC and ZAIC have no common directors or officers.
- 15. ZLIC and ZAIC have separate daily operations.
- 16. ZLIC and ZAIC keep separate books and records.
- 17. ZLIC and ZAIC have separate shareholder and board meetings.
- 18. ZLIC does not interfere in the selection and assignment of ZAIC’s personnel.
- 19. ZLIC does not manage ZAIC’s marketing or its operational policies
- 20. ZAIC is not ZLIC’s agent.

The penal consequences of the obtaining of a false certificate per Art. 253 of the Swiss Penal Code were pointed out to me.

Zurich, 4th day of May 2011.



Yvonne Lang Ketterer

This document contains the expressed intent act of the person mentioned above.
It was read, approved and signed by her.

Zurich, 4 day of May 2011.

Notariat Information

Official Certification

Seen for authentication of the foregoing signature, affixed in our presence by

Ms. **Yvonne Suzanne LANG KETTERER**, born 9th September 1965, Swiss citizen of Oftringen AG, according to her information residing at Buelenebnetstrasse 28, 8820 Wädenswil, Switzerland, identified by passport.

Zürich, 4th May 2011
BK no. 5189
Fee CHF 20.00



NOTARIAT ENGE-ZÜRICH



Andreas Bachmann, Notary Public